

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

FEBRUARY 1996 SESSION

<p>FILED</p> <p>March 22, 1996</p> <p>Cecil W. Crowson Appellate Court Clerk</p>

MARTIN BARLOW, III,

Appellant,

V.

STATE OF TENNESSEE,

Appellee.

)
) C.C.A. No. 01C01-9507-CC-00237
)
) Van Buren County
)
) Honorable Allen R. Cornelius, Jr., Judge
)
) (Post-Conviction)
)
)

FOR THE APPELLANT:

Martin Barlow, III, Pro Se
 Southeastern TN State
 Regional Correctional Annex
 Route 4, Box 600
 Pikeville, TN 37367-9243

FOR THE APPELLEE:

Charles W. Burson
 Attorney General & Reporter

Charlotte H. Rappuhn
 Assistant Attorney General
 Criminal Justice Division
 450 James Robertson Parkway
 Nashville, TN 37243-0493

Robin Harris
 Legal Assistant

William M. Locke
 District Attorney General

C. Michael Layne
 Asst. Dist. Attorney General (former)
 111 Professional Building
 McMinnville, TN 37110

OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
 Judge

OPINION

The appellant, Martin Barlow, III, was indicted for first degree murder. While on bond, he voluntarily admitted himself to a private mental health facility. He was committed for approximately 421 days. Following the state's decision to try him as an adult, the appellant entered a negotiated plea to second degree murder in 1988. He received a sentence of 16 years confinement less 108 days credit for time spent in the private mental health facility. Appellant maintains that he should have received more than 108 days pre-sentence credit. The trial court entered an order dismissing appellant's Motion for Pre-Sentence Credits. In this order, the court determined that

[t]he plea agreement and supplemental order regarding credit due for restraint of liberty prior to being placed in the custody of the Department of Corrections, have both long since passed into the status of final judgments. This claim does not qualify as one for Post Conviction Relief.

We find appellant's pro se brief artfully drafted and we understand his allegations. We, however, find no error of law mandating reversal of the trial court's determinations. Pursuant to Tenn. R. Ct. Crim. App., Rule 20, we affirm the trial court's order.

PAUL G. SUMMERS, Judge

CONCUR:

JOSEPH M. TIPTON, Judge

DAVID H. WELLES, Judge